

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**COUNTY OF ALLEGHENY, a political
subdivision of the Commonwealth of
Pennsylvania,**

No. 2:20-1418

Plaintiff,

v.

THE CRACKED EGG, LLC,

Defendant.

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

The Defendant, The Cracked Egg, LLC, by and through its counsel, Robert O Lampl, James R. Cooney, Ryan J. Cooney, Sy O. Lampl and Alexander L. Holmquist, hereby gives notice of the removal of the above-captioned matter from the Court of Common Pleas of Allegheny County, Pennsylvania at Case No. GD-20-00-9809 to the United States District Court for the Western District of Pennsylvania, pursuant *to 28 U.S.C. Sections 1331, 1441 and 1446*, and in support thereof avers the following:

1. The Cracked Egg, LLC is a Defendant in a civil action brought on September 16, 2020 in the Court of Common Pleas of Allegheny County, Pennsylvania at Case No. GD-20-00-9809. Pursuant to the provisions of Sections 1332, 1441 and 1446 of Title 28 of the United States Code, Defendant removes this action to the United States District Court for the Western District of Pennsylvania.

2. The Complaint was served upon the Defendant, The Cracked Egg, LLC, on September 16, 2020 by E-Mail.

3. The grounds for the removal of this Action are:

a. This is a civil action in which the District Court has original jurisdiction in that it arises under the laws of the United States within the meaning of *28 U.S.C. 1331*.

b. More specifically, the claims arise under the Constitution of the United States, including, among other things, the First Amendment and the Fourteenth Amendment.

4. This Notice of Removal is timely under Section *1446 (b) of Title 28* of the United States Code because the Notice of Removal is filed within thirty days of service of the Complaint.

5. Pursuant to *28 U.S.C. 1446 (a)*, true and correct copies of the Docket and all previous filings in the Court of Common Pleas of Allegheny County at No. GD-20-00-9809 are attached hereto as **EXHIBIT A** and **EXHIBIT B**.

6. A copy of this Notice of Removal has been served upon all parties to the state action as well as upon the Department of Court Records of Allegheny County, Pennsylvania.

WHEREFORE, the civil action filed in the Court of Common Pleas of Allegheny County at No. GD-20-00-9809 is hereby removed to the United States District Court for the Western District of Pennsylvania.

Respectfully Submitted,

/s/ James R. Cooney

James R. Cooney

PA I.D. #32706

Robert O Lampl

PA I.D. #19809

Ryan J. Cooney

PA I.D. #319213

Sy O. Lampl

PA I.D. #324741

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COUNTY OF ALLEGHENY, a political
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No.

Plaintiff,

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THE CRACKED EGG, LLC,

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CERTIFICATE OF SERVICE

I, James R. Cooney, hereby certify that on the 18th day of September,
2020, I served true and correct copies of the within **NOTICE OF REMOVAL** upon
the following parties by E-mail addressed as follows:

Vijya Patel
Assistant Solicitor
Allegheny County Health Department
301 39th Street
Building #7
Pittsburgh, PA 15201
Vijya.patel@alleghenycounty.us

Court of Common Pleas of Allegheny County
Civil Motions
civilgenmotions@alleghenycourts.us

/s/ James R. Cooney
James R. Cooney